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LOWRIE, LANDO & ANASTASI
RIVERFRONT OFFICE
ONE MAIN STREET, ELEVENTH FLOOR
CAMBRIDGE, MA 02142

EXAMINER

WILSON, YOLANDA L

ART UNIT PAPER NUMBER

2113

DATE MAILED: 03/11/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,093

Applicant(s)

ASANO, SHINTARO

Examiner

Yolanda Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 12, 13 and 17-30 is/are rejected.
7) ☒ Claim(s) 16 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL DETAILED ACTION

Claim Objections

1. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12,13,17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon (USPN 5799147A) in view of Fink (USPN 6289463B1). As appears in claim 12, Shannon discloses coupled a first computer to a second computer through a network, administering the transfer of electronic data to the data storage device, transmitting an electronic message from the first computer to indicate that the transfer of electronic data is complete in column 3, lines 11-16, lines 34-37, "The method provides for initiating by the client computer operator the updating of the disk map with the new disk map of the client computer, either manually by the computer operator or by a programmed, preselected automatic means such as a preprogrammed code word or key sequence...After completing the backup transmission the client computer is notified

of the update completion and the transmission connection between the client computer and the server computer is terminated.”

Shannon fails to explicitly state transmitting an electronic signal recognizable by the second computer from the first computer to the second computer to operatively couple the first and second computers and terminating the transfer of electronic data and decoupling the first and second computers if the electronic signal is not recognized.

Fink discloses a first and second computer having two different operating systems using a login and password in order to communicate with one another and if the login is not successful the two computers are no longer coupled in column 7, lines 25-65.

Accordingly, a person of ordinary skill in the art would have been motivated to transmit an electronic signal recognizable by the second computer from the first computer to the second computer to operatively couple the first and second computers because communications between computers, especially having two different operating systems, is important so that programs can be run between the two computers. Fink discloses this in column 1, lines 15-18 and column 7, lines 56-67.

Accordingly, a person of ordinary skill in the art would have been motivated to terminate the transfer of electronic data and decoupling the first and second computers if the electronic signal is not recognized because only valid logins and passwords can be used to connect the two computers. Fink discloses this in column 7, lines 44-46, 56-59.

4. As appears in claim 13, Shannon discloses the network includes the Internet in column 4, lines 65-67 – column 5, line 1, “The network link with the server computer system 14 occurs at point 28, commencing the log-on for the updating and copying of the modified files and the updated disk map to the server computer.”

5. As appears in claim 17, Shannon discloses the data storage device includes an automatic transfer library operatively coupled to the second computer in column 5, lines 23-27, “The first server computer being linked to a second server computer 62 by means of a second network system 68 transfers the information from the first server disk data cache 58 to the second server computer system disk data cache 64.”

6. As appears in claim 18, Shannon discloses the automatic transfer library operatively is coupled to the first computer in column 5, lines 23-27, “The first server computer being linked to a second server computer 62 by means of a second network system 68 transfers the information from the first server disk data cache 58 to the second server computer system disk data cache 64.”

7. As appears in claim 19, Shannon discloses identifying a problem in the transfer of electronic data in column 3, lines 67 – column 4, lines 1-4, “In the event of a failure to the backup medium, which is a high visibility event recreation of the check point image is a simple straight forward method since the image is always available from the primary source.”

8. As appears in claim 20, Shannon discloses remotely repairing the problem in column 3, lines 67 – column 4, lines 1-4, “In the event of a failure to the backup

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medium, which is a high visibility event recreation of the check point image is a simple straight forward method since the image is always available from the primary source.”

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon (USPN 5799147A) in view of Crockett et al. (USPN 6260124B1). As appears in claim 21, Shannon fails to explicitly state notifying a local administration to repair the problem.

Crockett et al. discloses in column 7, lines 15-20, “If an error condition exists steps are taken to resolve the error (step 418). This may involve a system administrator reconfiguring one or more components of the system 100, a technician repairing or replacing a filed component, or self-repair of the affected component.”

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the first computer is further programmed to transmit an electronic message to notify an administrator location to the second computer to perform the repair. A person of ordinary skill in the art would have been motivated to have the first computer is further programmed to transmit an electronic message to notify an administrator location to the second computer to perform the repair because an administrator is needed to repair the problem based on the severity of the problem.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 22-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Galipeau et al. (USPN 20020049925A1). As appears in claim 22, Galipeau et al. discloses receiving an electronic message at a second computer sent over a network by the first computer, wherein the second computer is located remotely from the first computer and the storage device and the message indicates that the first computer is prepared to start a data back-up process on page 2, paragraph 0029; pages 4 and 5, paragraphs 0055-0064.
12. As per claim 23, Galipeau et al. discloses sending a message includes indicating that the data back-up process was not successful on page 5, paragraph 0064.
13. As per claim 24, Galipeau et al. discloses sending an electronic message from the second computer to the first computer instructing the first computer to repeat the data back-up process on page 6, paragraph 0070.
14. As per claim 25, Galipeau et al. discloses sending a message to an administrator of the first computer indicating that the data back-up process was not successful on page 6, paragraph 0070.
15. As per claim 26, Galipeau et al. discloses sending a message to an administrator includes sending a message over the network from the second computer to the first computer on page 6, paragraph 0070.

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16. As per claim 27, Galipeau et al. discloses a network computer having a network connection to couple the network computer to a network, the network computer being programmed to: receive an electronic message sent over the network by the remote computer, wherein the message indicates that the remote computer is prepared to start a data back-up process on page 2, paragraph 0029; pages 4 and 5, paragraphs 0055-0064.

17. As per claim 28, Galipeau et al. discloses the network computer is programmed to detect an error in the data back-up process and send a message indicating that the data back-up process was not successful on page 5, paragraph 0064.

18. As per claim 29, Galipeau et al. discloses the network computer is further programmed to send an electronic message from the second computer to the first computer instructing the first computer to repeat the data back-up process on page 6, paragraph 0070.

19. As per claim 29, Galipeau et al. discloses the network computer is further programmed to send an electronic message to the first computer indicating repairs to be performed to correct the error in the back-up process on page 6, paragraph 0070.

Response to Arguments

20. Applicant's arguments with respect to claims 12,13,17-21,22-30 have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection are based on the subject matter added to claim 12. This subject was previously in claim 15, which was objected to in the previous office action. This subject matter is no longer deemed as allowable subject based on the reasons discussed in the

rejection indicated above for claim 12. Claims 13,17-21 are rejected for the reasons stated above for each of those claims.

21. The arguments for the newly added claims 22-30, with independent claims 22 and 27, are moot because a new patent, Galipeau et al., was used to reject claims 22-30 for the reasons stated above for each of those claims. The arguments disclosed on page 6 and 7 in the present amendment for claims 22 and 27 are based on the Shannon patent that was used to reject claims 1-21 in the previous office action and are no longer valid.

Conclusion


22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda Wilson whose telephone number is (703) 305-3298. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100